

### REMARKS

In the Office Action, a restriction requirement under 35 U.S.C. 121 was issued, which required an election between two groups of claims, in particular between the claims in Group I encompassing method claims 1-20 and the claims in Group II encompassing apparatus claims 21-22.

A review of the claims and has revealed that the subject matter of Group II is related to the subject matter of Group I. In particular, all claims recite the adjustment of the thickness of a thin semiconductor layer by comparing a measured thickness profile with stored standard profiles, wherein each standard profile is stored in association with respective thickness adjustment specifications. Therefore, searching with respect to the claims of Groups I and II for this feature would not result in an undue burden on the Examiner and would of necessity be required in order to properly evaluate patentability for either claim Group.

In order to further the prosecution of the application, however, applicants hereby elect the Group I claims for prosecution with traverse and has cancelled original claims 21-22 without prejudice to their right to file a divisional application for the subject matter of the cancelled claims. In addition, new claims 23-24 have been added to cover certain method aspects of the cancelled claims. The new claims are supported by the original claims as well as the specification so that there is no issue of new matter. These new claims should be examined at this time with the Group I claims.

Applicant believes that application is now in condition for allowance. The issuance of a notice of allowance is respectfully requested.

Respectfully submitted,

Date: 9/29/04

  
Allan A. Fanucci (Reg. No. 30,256)

**WINSTON & STRAWN**  
**CUSTOMER NO. 28765**  
(212) 294-3311